United Nations S/2005/359

Security Council

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Draft resolution

The Security Council,

Recalling its previous resolutions and statements of its President relating to the situation in Côte d'Ivoire,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Côte d'Ivoire, and *recalling* the importance of the principles of good neighbourliness, non-interference and regional cooperation,

Recalling that it endorsed the Agreement signed by the Ivorian political forces in Linas-Marcoussis on 24 January 2003 (S/2003/99) (the Linas-Marcoussis Agreement) approved by the Conference of Heads of State on Côte d'Ivoire, held in Paris on 25 and 26 January 2003, and the Agreement signed in Accra on 30 July 2004 (the Accra III Agreement),

Welcoming the efforts of the Secretary-General, the African Union and the Economic Community of West African States (ECOWAS) towards re-establishing peace and stability in Côte d'Ivoire,

Welcoming, in particular, the mediation efforts undertaken by Mr. Thabo Mbeki, President of the Republic of South Africa, on behalf of the African Union, and *reaffirming* its full support for him,

Welcoming the signature by the Ivorian parties on 6 April 2005 in Pretoria of the agreement on the peace process in Côte d'Ivoire (the Pretoria Agreement), under the auspices of President Thabo Mbeki, and *expressing* its satisfaction with the first steps which have been undertaken by the Ivorian parties in order to implement this agreement, in particular with the agreement on the disarmament, demobilization and reintegration process reached on 14 May 2005 and the restoration of the status of the Ivorian Radio and Television to that it enjoyed before 24 December 2004,

Reaffirming its resolutions 1325 (2000) of 31 October 2000 on women, peace and security, 1379 (2001) of 20 November 2001 and 1460 (2003) of 30 January 2003 on children and armed conflict as well as its resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on protection of civilians in armed conflict,

Expressing grave concern at the allegations of misconduct of some peacekeeping troops deployed in African countries, including the sexual exploitation, *affirming* that these troops should limit their behaviour in line with

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their code of conduct and *reaffirming* that there will be a zero-tolerance policy of any illegal misconduct or sexual exploitation and abuse in all peacekeeping troops,

Having taken note of the report of the Secretary-General of 18 March 2005 (S/2005/186),

Having also taken note of the letter of the Permanent Representative of the Republic of South Africa of 24 May 2005 (S/2005/340),

Expressing its concern at the continued deterioration of the security and humanitarian situation, in particular in the West of the country,

Determining that the situation in Côte d'Ivoire continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Endorses* the Pretoria Agreement and *demands* that all the signatories to the agreement and all the Ivorian parties concerned implement it fully and without delay;

2. *Stresses* in this regard that non-respect, by the signatories to the Pretoria Agreement, or by any other Ivorian party concerned, of any of the commitments made in Pretoria in the presence of President Thabo Mbeki would endanger the peace process in Côte d'Ivoire and would constitute an obstacle to the implementation of the Linas-Marcoussis Agreement and the Accra III Agreement, and therefore *reaffirms* its readiness to implement paragraphs 9 and 11 of resolution 1572 (2004) if the parties fail to meet their commitments under the Linas-Marcoussis and Pretoria Agreements;

3. *Commends* President Thabo Mbeki for the essential role he has played, on behalf of the African Union, to restore peace and stability in Côte d'Ivoire, *reaffirms* its full support for his mediation efforts, *reminds* the signatories to the Pretoria Agreement that in the event of differences in the interpretation of all or part of the agreement, they should seek a ruling from President Thabo Mbeki and *encourages* the Secretary-General, President Thabo Mbeki and the African Union to continue to collaborate closely in the implementation of the Pretoria Agreement;

4. *Takes note with satisfaction* of the provisions of the Pretoria Agreement reaffirming the determination of the signatories of the Agreement regarding the need to organize presidential elections in October 2005 and legislative elections following immediately thereafter, as well as their agreement to invite the United Nations to participate in the work of the Independent Electoral Commission and the Constitutional Council and in the organization of the general election, and of the decision by the Council of Ministers on 28 April 2005 to hold the first round of the presidential elections on 30 October 2005;

5. *Welcomes* the decision taken by President Thabo Mbeki with regard to the eligibility for the Presidency of the Republic, as described in the letter he sent to Mr. Laurent Gbagbo, President of the Republic of Côte d'Ivoire, on 11 April 2005 (S/2005/270), and *takes note with satisfaction* of the announcement made by President Laurent Gbagbo on 26 April 2005 that all candidates nominated by the political parties signatory to the Linas-Marcoussis Agreement would be eligible for the presidential elections;

6. *Demands* that all the Ivorian parties take all necessary steps to ensure that the forthcoming general elections are free, fair and transparent;

7. *Requests* the Secretary-General, on the basis of the Pretoria Agreement, to designate, as an exceptional arrangement, after consultations with the African Union and President Thabo Mbeki, a High Representative for the elections in Côte d'Ivoire (the High Representative), autonomous from the United Nations Operation in Côte d'Ivoire (UNOCI), to assist in particular in the work of the Independent Electoral Commission and of the Constitutional Council, without prejudice to the responsibilities of the Special Representative of the Secretary-General and with the following mandate:

(a) To verify, on behalf of the international community, that all stages of the electoral process, including the establishment of a register of voters and the issuance of voters' cards, provide all the necessary guarantees for the holding of open, free, fair and transparent presidential and legislative elections within the time limits laid down in the Constitution of the Republic of Côte d'Ivoire,

(b) To provide, in close co-operation with UNOCI and the mediation, all necessary advice and guidance to the Constitutional Council, the Independent Electoral Commission and other relevant agencies or institutes to help them prevent and resolve any difficulty which may jeopardize the holding of open, free, fair and transparent elections within the time limits laid down in the Constitution of the Republic of Côte d'Ivoire, with the authority in this regard to make necessary determinations,

(c) To report immediately to the Security Council through the Secretary-General, and to inform the mediator of the African Union, President Mbeki, any difficulty which may jeopardize the holding of open, free, fair and transparent elections, and to submit to them, as appropriate, such recommendations as he may see fit to make,

(d) To keep the Security Council, through the Secretary-General, and President Thabo Mbeki regularly informed of all aspects of his mandate,

(e) To request and receive information and technical advice from UNOCI as well as other sources;

8. *Decides* that the mandate of the High Representative as referred to in paragraph 7 above will end after the forthcoming general elections in Côte d'Ivoire;

9. *Calls upon* the community of donors to provide all the necessary financial resources to the High Representative to support the full implementation of his mission;

10. *Takes note* of the agreement on the disarmament, demobilization and reintegration (DDR) process and on the restructuring of the armed forces signed on 14 May 2005 in Yamoussoukro by the Chiefs of Staff of the National Armed Forces of Côte d'Ivoire (FANCI) and the armed forces of the Forces Nouvelles (FAFN), *demands* that the parties implement fully this agreement so that the DDR process can start without delay, *reaffirms* in this regard paragraphs 9 and 11 of resolution 1572 (2004), *reaffirms also* paragraph 8 of resolution 1584 (2005) regarding the establishment of a comprehensive list of armaments in their possession and *demands* the immediate disarmament and dismantling of militias throughout the national territory;

11. *Decides* that the mandate of UNOCI and of the French forces which support it shall be extended until 24 June 2005, with a view to renew it, in this specific instance, for a period of 7 months;

12. *Authorizes* the Secretary-General to begin the necessary planning and preparations, including troop and police generation as well as required support and other arrangements, to facilitate a timely deployment in the event that the Security Council decides to increase UNOCI's authorized strength of troops and police and to adjust its mandate;

13. *Underlines* the importance of mainstreaming the gender perspective in peacekeeping operations and post-conflict peacebuilding and of appropriate expertise in this regard, and *encourages* UNOCI to actively address this issue;

14. *Urges* donors and international financial institutions to provide the necessary support to the implementation of the Pretoria Agreement, in particular the disarmament, demobilization and reintegration programme and the electoral process, through the expeditious allocation of financial resources;

15. *Calls upon* all parties to cooperate fully in the deployment and operations of UNOCI, in particular by guaranteeing the safety, security and freedom of movement of United Nations personnel as well as associated personnel throughout the territory of Côte d'Ivoire;

16. *Welcomes* the efforts undertaken by UNOCI to implement the Secretary-General's zero tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, *requests* the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and *urges* troop-contributing countries to take appropriate preventive action including the conduct of pre-deployment awareness training, and to take disciplinary action and other action to ensure full accountability in cases of such conduct involving their personnel;

17. *Requests* the Secretary-General to continue to keep the Council regularly informed of the developments of the situation in Côte d'Ivoire, the implementation of the mandate of UNOCI and of the Linas-Marcoussis and Pretoria Agreements, and to report to it in this regard every three months;

18. *Requests* also France to continue to report to it periodically on all aspects of its mandate in Côte d'Ivoire;

19. *Invites* the African Union to keep it regularly informed of the implementation of the provisions of the Pretoria Agreement and to make recommendations to it as it deems necessary;

20. *Expresses* its full support to the Special Representative of the Secretary-General;

21. *Decides* to remain actively seized of the matter.